

CITY OF WHEELER, OREGON PLANNING COMMISSION MEETING MINUTES FOR JUNE 6, 2013

- I. Call to Order: 7:05 pm
- II. Administration:
 - a. Roll Call:
Planning Commissioners: Joanne Siler, Mike Anderson, Brandon Thompson, Dan Ayers, Terri Michelsen, Hal Grimness (arrives at 7:07 pm); Richard Clappé is absent.
Staff: Sabrina Pearson, City Planner. Jeff Aprati, City Manager is not present.
 - b. Minutes Thursday May 2, 2013
Motion: Planning Commissioner Mike Anderson, Motion to approve as written
Second: Planning Commissioner Brandon Thompson
Vote: Unanimous approval of the motion.
 - c. Visitors: City Councilor Bill Mullen, Laura Swanson, Ellen Boggs, Camy Von Seggern (See sign in sheet)
 - d. Correspondence: None known
 - e. Non-Agenda Items: None identified
- III. Public Hearings:

Public Hearing for Sign Variance Application #2013-08 SV, Rinehart Clinic

Applicant: Rinehart Clinic, represented by Laura Swanson
Property Owner: 3P Development LLC, represented by Pam Pine
Property Location: Southeast of the intersection of Highway 101 and Hospital Road
Legal Description: Deeded Lands described in the Books of Tillamook County, site of the original Wheeler School and shown by County Survey record B-518
Tax Assessor Map: 2N 10W 3DA Tax Lot 400
Property Size: Approximately 1.32 acres, approximately 364' x 215' irregular
Land Use Zone: GC General Commercial

Description of Request:

The Wheeler Sign Ordinance allows licensed businesses to display up to a total of forty-eight (48) square feet of signage including off-premise and temporary signs. The proposed birthday cake structure is approximately 12 feet wide x 8 feet in height plus candles approximately 2 feet in height for a total area not exceeding 120 square feet with writing as proposed in the application. The Rinehart Clinic is celebrating its 100th Anniversary with an event held between May 31, 2013 and July 31, 2013. If they receive land use approval and any required permits the applicant request to display the birthday cake structure until July 31, 2013 with the sign to be removed August 1, 2013.

Open Public Hearing: Planning Commission President Dan Ayers reviews the Public Hearing Instructions, reads the Hearing Disclosure Statements as written in the public hearing script, and reads the Application Information regarding location and identifies that 13 properties were notified. No one challenges the jurisdiction of the Planning Commission to hear the application No Planning Commission biases are declared. No Conflict of Interest is known or declared. No correspondence is known to the record.

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Staff Report: City Planner Sabrina Pearson reviews the description of the request, the applicable criteria, presents the visual depictions of the application, and reviews the proposed findings of fact.

Applicable Criteria:

Wheeler Sign Ordinance #99-02

Wheeler Zoning Ordinance

Article 1: Introductory Provisions

Article 4: GC General Commercial Zone

Article 11: Supplementary Provisions

Article 13: Matters Subject to the Review and Approval by the Planning Commission, Public Deliberations and Hearings

City of Wheeler Comprehensive Plan including the Wheeler Vision Plan 2011

City of Wheeler Planning Commission Bylaws

Oregon Administrative Rules

Oregon Revised Statutes

Applicant Presentation:

Ellen Boggs for the Applicant, the Rinehart Clinic: The Rinehart Clinic is a good neighbor; we propose to locate our sign and remove it with an official start date and remove it with an official end date. We are proud of our heritage in Wheeler and we want an opportunity to celebrate with the community with a visible display.

Questions from the Planning Commission:

Planning Commissioner Terri Michelsen: Is the cake is actually in half or a whole? Will the back be open or covered?

Applicant Representative Ellen Boggs: The cake will be a half of a cake as depicted. The back will be covered so that people will not climb on it.

Planning Commission President Dan Ayers: (to the applicant representative) Remember that the burden of proof is on the applicant, so give your best presentation.

Applicant Representative Ellen Boggs: We are a good neighbor. We don't want hard feelings and to be controversial. This is a way to promote the Rinehart Clinic and the City of Wheeler. There are a lot of people coming to the City and we want them to see that this is a community celebration. We planned the cake for a shorter time but Stimson Lumber wanted to celebrate a longer term because they are a significant partner and timber and the needs of the lumbermen was the reason that the original Dr. Rinehart came to the City.

Planning Commission President Dan Ayers: Has the City shown you where you can place the sign?

Applicant Representative Ellen Boggs: We don't want it close to the highway or close to the corner where it could impede clear vision.

Planning Commissioner Terri Michelsen: Who will do the construction?

Applicant Representative Ellen Boggs: The NKN Construction Trades Program. They have put it together and disassembled it to move it to the site. Dan Gernert, a licensed contractor is facilitating the construction.

Applicant Representative Camy VonSeggern: We were unaware that this would be considered a sign. If we had realized that we would have been in contact with the Planning Commission well before now. The wording will be placed on a 4' x 8' wording and will comply with the 48 square feet requirement.

Neutral Testimony:

City Councilor Bill Mullen: I am concerned about the insurance in case someone gets hurt from this sign. I have spoken with three people notified about this application. Today is the first day that we feel that the depiction was available. It should be mailed out with the notification. That is fair to the affected property owner. There was not a clear and concise description is that not required?

Planning Commission President Dan Ayers: Did you speak with Jeff about your concerns?

City Councilor Bill Mullen: Yes. He said it was not required. Sabrina, is that correct?

City Planner Sabrina Pearson: The notice identifies that the application is available at City Hall. It should contain a concise description of the request, but the plans are generally available at City Hall, not the notice. Of course, we listen to feedback and will be reviewing your concerns carefully.

City Councilor Bill Mullen: What about the building code, what about ODOT?

City Planner Sabrina Pearson: The City will make sure that the structure that is allowed is safe and that written documentation identifying the structure as consistent with Oregon Building Code will be obtained from Tillamook County for the record file and a copy provided to the applicant. The City will make sure that all administrative procedures are followed prior to the issuance of a land use permit to allow the sign.

Planning Commission President Dan Ayers: (to the applicant representatives): You will need to work with the City Manager, Jeff Aprati and he will provide you with an approved permit. You will need to provide a site plan to measurable scale will be required showing consistency with the clear vision diagram and the name of the responsible licensed contractor. He will also check with Tillamook County and ODOT to make sure that you meet all the required criteria.

Testimony in Opposition: None

Testimony in Favor: None

Rebuttal: None

Final Applicant Comments: None

Planning Commission President Dan Ayers: (to the applicant representatives): Do you waive the right to submit final written comments in support the application so that we can make a decision tonight?

Applicant Representative Ellen Boggs: Yes

City Planner Sabrina Pearson: Recommendation from City Staff Report, amend to include year, approval with conditions to “Approve Wheeler Application #2013-08 SV to allow the birthday cake structure and writing as proposed in the application until July 31, 2013 to be removed August 1, 2013 with the condition of approval that: “site development plans shall be implemented under the guidance of applicable regulatory agencies and, where required, qualified professionals to ensure compliance with applicable criteria.”

Planning Commissioner Brandon Thompson: Motion to close the hearing

Planning Commissioner Mike Anderson: 2nd

Planning Commission Vote: Unanimous to approve the motion

Planning Commission Discussion: None

Planning Commissioner Mike Anderson: Motion (as recommended by staff) to: “Approve Wheeler Application #2013-08 SV to allow the birthday cake structure and writing as proposed in the application until July 31, 2013 to be removed August 1, 2013 with the condition of approval that: “site development plans shall be implemented under the guidance of applicable regulatory agencies and, where required, qualified professionals to ensure compliance with applicable criteria.”

Planning Commissioner Hal Grimnes: 2nd

Planning Commission Vote: Unanimous to approve the motion

IV. Unfinished Business

a. Planning Commission Ordinance 76-1 Duties, Res. 95-3 Terms; Ord. 97-05 Membership; Bylaws:

Discussion: City Planner Sabrina Pearson recommends that we table discussion about these documents until the July meeting when City Manager Jeff Aprati will be in attendance except for the comparison that the appeal period in the Planning Commission Bylaws needs to be consistent with the Wheeler Zoning Ordinance.

Planning Commission President Dan Ayers:

Dan recommends that the Planning Commission will discuss consistency of the Planning Commission Bylaws under discussion of Wheeler Zoning Ordinance Section 18.020 Appeals.

b. Section 11.050 Design Review

Planning Commission President Dan Ayers:

When the Planning Commission recommended adoption of Section 11.050.4.b.6 it is my interpretation that the Planning Commission was thinking about the frontage. This ordinance requires the Planning Commission to evaluate all street sides of a building even when that street side is the rear of the building and not reasonably “frontage”. The ordinance amendment has made many buildings in Wheeler non-conforming with the adoption of this ordinance and imposed a burden on the property owner that may not accomplish the goals the Planning Commission intended to recommend.

Planning Commissioner Mike Anderson:

I think that the 50% of the length is not good. The City needs to have a specific requirement to tell us where the City wants the frontage improved and what the City it to look like. The City does not want to end up with 6" high windows that don't accomplish any design goals.

Planning Commissioner Hal Grimnes:

It is reasonable to require only one store front if the ordinance establishes a minimum window height, square footage and length.

Planning Commissioner Brandon Thompson:

The City should consider the percentage carefully and consider establishing a minimum square footage or height to guide what the City wants to see. The ordinance should credit a door if it is glass.

City Planner Sabrina Pearson: Although I envisioned each street frontage should be a visual aesthetic, there are issues with the application of this standard that are not creating the visual the Planning Commission intended. This time, when the Commission is analyzing the impact of the ordinance, let's find some depictions of what the Commission anticipates compliance will look like. Tools like ESRI GIS "community builder" follow the recommendations that Terri Michelsen had during the workshop discussions. We could also find photographs that represent the image. I recommend that we bring this discussion back next month when the Planning Commission shall consider numbers for the percentage, control over the store front appearance, the height of the windows, and credit for the door. Here is what I have from your discussion so far:

11.050 (6) "The property owner shall establish at least one "street-facing" store front". "The storefront shall have a minimum of (50%) in length of the ground floor store frontage and the windows shall be a minimum 4 feet tall" "Glass doors are credited toward the (50%) credit".

Planning Commissioner Brandon Thompson:

Brandon asks staff to bring the standards for Design Review for all street facing frontages from Cannon Beach and Manzanita for comparison.

c. Section 13.010 Matters Subject to Review and Approval by the Planning Commission

Discussion: Article 13, Section 13.010 should reflect all of the types of applications that are subject to review and approval by the Planning Commission.

Consensus: Add: A, B, C, D, E, (F) on appeal only, subdivisions, partitions, building permit appeals, Sign ordinance variances...historic resource overlay zone...duplicate this list for 13.030...for all uses that require mailed notice and public hearing...

Consensus: Amend Section 13.030 mailed notice for all uses that require mailed notice.

Consensus: Review recommended language at the July 10, 2013 Planning Commission Meeting.

City Planner Sabrina Pearson: Section 11.053 Clearing Cutting and Filling would be reviewed by the Planning Commission only on appeal of an administrative decision. We should consider adding as a housekeeping item a notice requirement to the section so that it is transparent requirement.

City Planner Sabrina Pearson: Staff will check with DLCD to see if PAPA process is required since the changes do not amend any process, they just accurately reflect the required process.

Discussion about Design Review hearings, when are they required? The ordinance appears open to variable interpretation.

Planning Commission President Dan Ayers:

Dan wonders if Section 11.050 can be interpreted that a public hearing is required only when a building permit is needed.

City Planner Sabrina Pearson: Section 11.050 (1) defines review as required for development, so perhaps it is open to interpretation. What about painting? So far the Planning Commission has liked the color choices. If the interpretation is established that painting is exempt, what will be the recourse if color schemes are used that are unsatisfactory?

Planning Commissioner Terri Michelsen: A hearing every time someone wants to paint a building?

City Planner Sabrina Pearson: The City Manager could allow painting unless the color is substantively different but the process would require administrative review, like a type I versus a type II decision.

Planning Commissioner Brandon Thompson: Wants the City to consider establishing a Type I decision for painting and changes that would not otherwise require a permit to ensure that the City does not lose the right to require non-permit change revisions if they are unsatisfactory. Brandon asks staff to bring the standards for review procedures from Cannon Beach and Manzanita for comparison.

Planning Commissioner Mike Anderson: Mike wants to continue discussion about procedures July 10, 2013 Planning Commission meeting.

Consensus: Planning Commission will continue discussion about when a public hearing is required and the process for approving design review not subject to a public hearing process.

d. Wheeler Zoning Ordinance Section 18.020 Appeals:

City Planner Sabrina Pearson: The Wheeler Planning Commission Bylaws state that an appellant has 20 days to appeal and the Wheeler Zoning Ordinance Section 18.020 Appeals states that an appellant has 15 days. State law requires a minimum of 7. Note that the City has 120 days to process land use applications including resolution of appeals and these days are counted. The bylaws should be consistent with the Zoning Ordinance and corrected by the City Council. The City might want to consider in the next amendment proceedings whether they want to consider further reducing the appeal period. Wheeler Zoning Ordinance Section 18.020 Appeals shows the language with which the City needs to be consistent.

Planning Commission Consensus: Recommend to the City Council that they amend the Planning Commission Bylaws Page 8 and 9 "Request for Review of a Decision" A and B and amend the twenty days to fifteen consistent with Wheeler Zoning Ordinance Section 18.020 Appeals.

e. Land Use Planning Trainings:

Planning Commission President Dan Ayers:

Dan recommends that the discussion about land use trainings is tabled until the July meeting.

Consensus: At the July 10, 2013 Planning Commission meeting the Planning Commission will discuss which training to review next and when the next opportunity for training might be available.

f. Any Other Unfinished Business: None

V. Any New Business: None

VI. Upcoming Meetings; Commission, Manager, Planner, and Staff Comments

a. Upcoming Meetings: Next Planning Commission meeting would have fallen on July 4, 2013. With the approval of the annual calendar, the Planning Commission approved a special meeting date: Wednesday, July 10, 2013.

b. Commissioner Comments:

1. Planning Commissioner Mike Anderson:

Mike asks staff to please mail notice of upcoming public hearings to the Planning Commissioners as well as affected persons so the Planning Commission can evaluate whether the description is clear and concise.

2. Planning Commission President Dan Ayers:

Dan asks City Planner Sabrina Pearson to email the minutes to Terri Michelsen for her review.

c. City Manager Comments: None

d. City Planner Comments: None

e. Staff Comments: None

VII. Adjournment: 9 pm

Dan Ayers, Planning Commission President

ATTEST: Jeff Aprati, City Manager